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TUESDAY,
MAY 28, 1957

THE JERUSALEM POST

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MARGINAL COLUMN

By SHAYA SHAPIRO

USSR, Hungary Sign Accord On Soviet Troops

BUDAPEST. Monday (Reuters). — Hungary and the Soviet Union today signed an agreement in Budapest on the legal status of Russian troops "temporarily stationed" in Hungary, it was announced tonight.

Foreign Minister Andrei Gromyko and Defence Minister Georgi Zhukov, who arrived by air today from Moscow, signed for the Soviet Union.

Hungary's signatories were Foreign Minister Imre Horvath and Defence Minister Geza Rovest.

The two Soviet leaders flew to Budapest today to sign the agreement following an accord reached in Moscow on March 27 between Mr. Gromyko and Premier Nikolai Bulganin.

Meanwhile, in Washington today the U.S. rejected Hungary's implication that it can order a cut in the size of the American Legation in Budapest.

Poland Seeks Urgent Soviet Economic Aid

WARSAW. Monday (UPI). — The Secretary of the Polish Communist Party, Mr. Wladyslaw Gomulka, Prime Minister Josef Cyrankiewicz and two top economic experts returned here today from Moscow after reportedly pleading for immediate Soviet aid to stave off a major economic crisis.

Although government officials have agreed all comment on the three-day trip, Western observers here said it was a "logical consequence" of Poland's deteriorating economic condition and of the delay in, and reduced size of, proposed U.S. aid.

Informed sources here said that to stave off a major economic crisis Poland needs at least \$300m. The amount of the projected American aid, no mention was made of the mission in the Soviet or Polish press.

U.K. Presses for End To Special China Embargo

LONDON. Monday (UPI). — Britain demanded yesterday that the Western Allies immediately abolish the special embargo which keeps China from receiving Western goods allowed to Russia.

Foreign Secretary Selwyn Lloyd made this known in London while experts of 15 Western nations held a last-ditch meeting here seeking a compromise on relaxing the China embargo.

British Socialists have pressed Mr. Lloyd in Parliament today to state whether Britain still wants the China embargo relaxed with national security.

The House Republican Policy Committee agreed to offer amendments to the military appropriations bill which would put back about \$300m. of the \$1,200m. the President wants.

Ike Suffers Setback On Defence Budget

WASHINGTON. Monday (UPI). — President Eisenhower suffered a setback in Congress today when House Republicans leaders decided to restore only a fourth of the defense budget cut which he termed "unnecessary."

The note, which followed a vote by the House, said that the U.S. Senate, however, had voted to restore the entire defense budget cut which he termed "unnecessary."

The meetings of "Chincom," the 15-nation embryo co-ordinating body were due to end today. But at the insistence of the U.S. Senate, they were adjourned until Tuesday afternoon.

Since then the anti-American riots have flared in Far East, America's staunchly anti-communist allies, the U.S. and Britain, believe this might be an American feeling about the British determination to open up trade.

Acquittal Asked For Britons in Cairo Trial

CAIRO. Monday (UPI). — Defense Counsel Saad Dabah today denied prosecution charges that two Britons, Charles Pittman and John Stanley, had engaged in anti-Egyptian espionage as part of an alleged 30-man spy network now operating in the crisis.

He said the two men had received information only concerning Communist activity in Egypt. There was no evidence that Stanley had transmitted any anti-Middle Eastern political and military information to the British embassy, as the prosecution claimed.

RAPOSI LOSES TO GLASGOW CELTICS 2:1

NEW YORK. Monday (DNA). — The Hapoel soccer team currently visiting the U.S. went down 2:1 before the Glasgow Celtics, the Scottish First Division team, last night in Bronx.

The game, played at Randall's Island before a crowd of 20,000, was marked by the spectacular goal-scoring of Ya'acov Hodo and the pressing attack of the Celts. The game was tied until the 20th minute of the second half.

Arrests in Spain For Anti-Govt Manifesto

MADRID. Monday (Reuters). — A number of people have been arrested by the police in connection with a manifesto against the regime, according to reports in Madrid.

They are understood to include Francisco Hernandez Oria, a brother of the Bishop of Malaga, and a former major in the Republican Army, Lopez Aparicio.

Hopes High as Arms Cut Talks Resume

LONDON. Monday (UPI). — The most hopeful session of the East-West disarmament talks since World War Two opened here today as the five-nation U.N. Disarmament Subcommittee resumed its discussions.

New British Missile Never Misses

LONDON. Monday (UPI). — The new British ground-to-air "Bloodhound" guided missile is capable of destroying the most evasive enemy bombers, Mr. Guy Mollet, and is believed to have urged him to return with an enlarged version of the old coalition.

Indications so far were that M. Mollet stood firm on his resignation. The Conservatives, whose vote on his new tax measure overthrew him, were also unmoved. The task of reconciliation is complicated by the refusal of the Socialists to commit themselves before they had "concrete proposals." They want the first move to come from the Conservatives.

M. Pieven is due to report to President Carty on Wednesday on prospects of an agreement among the major anti-Communist parties on a basic programme covering Algeria, finance and the European treaties.

The Socialist Resisting Minister in Algeria, M. Robert Lacoste, flew to Paris to see M. Pieven.

Ike and Adenauer Air German Unity

WASHINGTON. Monday (UPI). — The West German Chancellor, Dr. Adenauer, today had what he called a "good discussion" with Secretary of State Dulles in their formal talks in Washington.

He declined to reveal subjects discussed as he left the State Department for a luncheon given by President Eisenhower at the White House.

The State Department spokesman, Mr. Lincoln White, said later topics covered this morning were "German re-unification, NATO military problems, creation of German defence forces and European integration."

The discussions here opened shortly after it was announced in Bonn that West Germany had sent a new note to Moscow asking Russia to state clearly its price for German reunification.

Mr. Stassen said it was "not difficult to imagine that the conference should be attended by philosophers, historians, economists and representatives of all the humanistic studies. It could then be seen if "out of such a concourse there could not come some idea or method by which man can cope with the problems with which his investigations have faced him."

Mr. Stassen said it was not referring only to radioactive fallout and other atomic energy problems. "We have in medicine and biology many other things that are equally serious threats to the welfare, even the life, of the human race," he added.

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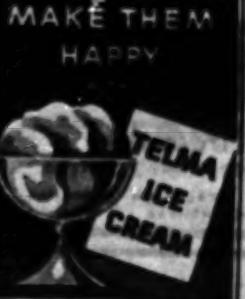
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LAW REPORT

The Jerusalem Post

May 28, 1957

In the Supreme Court Sitting as High Court of Justice
Before Justices Landau, Berinson and Witkin.
Robert van Mireff v. Director of Housing & Director of Town Planning (H.C. 194/56).
Government not Bound by Town Planning Regulations

The High Court discharged an order nisi calling on the Director of Housing of the Ministry of Labour to show the reason why he had not issued all further building which is contrary to the town planning scheme in a certain area of Yekneam.

The petitioner, Mr. van Mireff, had built himself a house on Yekneam National Fund land in Yekneam after being assured by the Chairman of the Local Council that, in accordance with the town planning scheme, the area which he had chosen had been set aside for the construction of a town planning scheme similar to his own, each on his own individual plot of land.

In the second half of 1956, upon the direction of the respondent, a housing project for new immigrants was set in train on the plots of land allotted to him by the petitioner, which consisted of several plots, occupies two plots of land, and although the buildings are of one storey each, they do not conform in any way to the town planning scheme.

Mr. van Mireff objected to the construction of these buildings and petitioned the High Court for a writ nisi, which was granted him on February 5, 1957. In their reply to the order, the respondents argued that the discrepancies between the first respondent's statement and those of the town planning scheme were trivial and that in many ways the buildings do not exceed the requirements of the town planning scheme.

Justice Landau then considered whether there is any particular significance in the fact that section 42 of the new Hebrew version of the Interpretation Ordinance refers to "the State" only and not to the government which acts in the name of the State.

He came to the conclusion that the government and its offices have the same immunity as that granted to the State by section 42.

In short, Justice Landau held, section 42 absolves the government from all obligations to build in accordance with a town planning scheme. This of course does not mean, he continued, that the High Court is thereby deprived of its supervisory powers and cannot invalidate the acts of the respondents should they be proved to have been arbitrary or for any of the other reasons usually applied by the High Court. However, no such accusation had been levelled against the respondents in the present case.

Justice Landau concluded with a recommendation to the Knesset that it redrafts section 42 so as to invert the present presumption and make all laws equally binding on the State save as may be otherwise provided.

In considering this question, Justice Landau held that a town planning scheme is a "regulation" within the meaning of the Interpretation Ordinance and therefore comes within the framework of "enactments" in section 42.

On the basis of the case,

Justice Landau continued, Mr. Blok had endeavoured to narrow down the interpretation of section 42 so as to exclude the particular case under consideration, relying for his arguments on two reservations to the general rule of the crown's immunity in English jurisdiction: firstly, that the law does not have to bind the crown explicitly, it being sufficient if it does so implicitly; and, secondly, that a distinction must be drawn between acts which are within the sole province of the sovereign power of the State, such as these concerning defense and internal order — and acts which previously came exclusively within the field of private enterprise and have only lately come within the province of the modern state.

Justice Witkin

Justice Witkin, in agreeing with Justice Landau, added that if he had been persuaded that the acts of which the petitioner complained had been arbitrary he would unhesitatingly have granted him the remedy which he sought despite the provisions of section 42. But from the facts he did not find that the housing scheme was fundamentally different from the town planning scheme or that the petitioner had any serious reason for feeling aggrieved by it. He could therefore see no reason for holding that the respondents had acted arbitrarily or that their behaviour in any way justified the interference of the High Court.

Order nisi discharged without costs.

Judgment given on May 15, 1957.

S. Africa Bars Exit Of 'Episode's' Author

JOHANNESBURG, Monday (Reuters) — Mr. Harry Brown, author of the book "Episode," about racial unrest in South Africa, has been informed that his exit permit has not been renewed by the Department of the Interior.

This means that he is unable to leave South Africa and cannot visit London to receive his British Authors Club Prize for the best first novel of 1956 — an award which he won with "Episode."

FRUNZENKOVICH. — William Brown, from whose car a thief stole a big parcel in New Orleans yesterday, said he thought the thief would be disappointed — the parcel contained 100 Bibles.

in the case of building regulations (see 1904, 2 K.R. 165). As to the differentiation between the functions of the crown, Justice Landau continued, even if there were any basis for concluding that the English courts did so differentiate — which was certainly not apparent — Israel law once more precluded any such differentiation. On the other hand, there is a differentiation between the acts which a government department carries out in its official capacity and those which it performs as though it were an ordinary citizen, as for example undertaking ordinary commercial contractual obligations.

Justice Landau said he was prepared to presume that in the latter case the government is bound by the principles and rules of the civil law, despite the provisions of section 42. The conclusion could, however, be only of comfort to the petitioner, since it is claimed that it cannot view with indifference the changes in the Middle East because it is near Russia's southern borders. She may or may not have the right to the claim, but she surely has no right to make Israel the scapegoat on the altar of power interests.

Lamerov (Abudut Ha'avoda)

since the Russian charge had at Moscow, and observed that if there really were cooperation between peoples and countries and if the Great Powers were really guided by the principle of coexistence there would be no call for blocs and alliances, no arms race and no scramble for spheres of influence. If there was any war, which seemed a tangible threat, Israel-Arab relations, it was the Soviet conspiracy which brought about the birth of the Eisenhower Doctrine.

Nothing Good to Say

Ormer (Histadrut) asked whether "Prava" would not have come to us even if we had come out against every section 42 of the Interpretation Ordinance which states that "save as may be otherwise expressly provided, no one shall affect any right or obligation by any amendment to the State."

Mr. Blok appeared for the petitioner and Mr. Kwart, Deputy State Attorney, for the respondents.

Judgment

Justice Landau, who delayed the judgment of the High Court, Justice Berinson concurring, said that a comparison between the town planning scheme and the advantages and disadvantages of the new housing project could in no way decide the fate of the petition, which depended solely on whether the respondents' claims to immunity on the strength of section 42 of the Interpretation Ordinance were correct.

In considering this question, Justice Landau held that a town planning scheme is a "regulation" within the meaning of the Interpretation Ordinance and therefore comes within the framework of "enactments" in section 42.

Justice Landau concluded with a recommendation to the Knesset that it redrafts section 42 so as to invert the present presumption and make all laws equally binding on the State save as may be otherwise provided.

Civil Servants' Fares

Hananev (non-party) asked that the fact that government departments need not observe the provisions of the public service and approved schemes of the government's institutions, at a decided disadvantage and presented him with a fait accompli against which he had no redress. At least this shortcoming in the law should most certainly be remedied.

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YESTERDAY'S PRESS

Israel Pawn in Moscow's Game

Davar (Histadrut) writes that if additional proof were needed that Israel was being forced to relapse upon other international law in order to sustain its existence and fortify her political position, the latest "Prava" article and Moscow's Arab broadcast afford it. Moscow's aim is to wrest from the West a recognition of its interests in the Middle East, and it no longer hides behind the "international law" of the Arab from the days of the Ottoman Empire. The English courts did so differentiate — which was certainly not apparent — Israel law once more precluded any such differentiation. On the other hand, there is a differentiation between the acts which a government department carries out in its official capacity and those which it performs as though it were an ordinary citizen, as for example undertaking ordinary commercial contractual obligations.

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Today's Postbag**The Weather**

FORECAST: Rising temperatures; sharp conditions in hill regions and inland.

	A	B	C	D
Mr. Carter	67	21	26	25
Tiberias	67	27	31	25
Haifa Port	67	27	31	25
Nazanya	62	24	25	25
Tel Aviv-Haifa	64	24	25	25
Lydda	62	24	26	25
Jerusalem	62	24	26	25
Bearsheba	45	24	25	25
Sdom	41	20	21	25
Mitzpe Ramon	34	20	21	25

(A) Minimum at 8 p.m. (B) Maximum yesterday. (C) Maximum temp. (D) Maximum temp.

ARRIVALS

Mr. Moshe Weingrod, Chairman of the Histadrut campaign and an executive of the Milwaukee U.J.A. and Bond Drive, and Mrs. Weinberg, for a few months visit. Mrs. Anna Frank, Chairman of the Jewish National Fund in South Africa, and Dr. A. Franks.

DEPARTURES

Mr. M. Weingrod, Chairman of the Tenth Independence Day Celebrations Committee, for a six weeks tour of Europe and the U.S. to make overture arrangements for the celebrations. (by El Al.) Mr. John M. Shaftevsky, O.R.E. Editor of the London "Jewish Chronicle," on a short business visit. (by El Al.)

A CULTURAL centre in memory of Kari (Haim) Landau, former General Manager of the Nesher Cement Works, has been opened in the Haifa suburb of Nesher.

THE TEACHERS UNION invites all immigrant teachers requiring advice and information to call at its offices in the Histadrut Executive Building, 92 Rehov Arlosoroff, Tel Aviv.

A KUPAT HOLIM clinic bearing the names of Anna and Edward Mitchell, Los Angeles Zionist and communal workers, will be opened in the housing quarter opposite the Ramat Aviv Hotel, Tel Aviv, today at 3 p.m.

THE FOOD Controller for the Tel Aviv District has suspended until further notice the licence of Shlomo Aszis, a grocer in Rehov Frishman, for charging excessive prices.

Nazareth Church Plans At Assisi Meeting

By CHRIS ELJOU

Plans for the reconstruction of the Holy Sepulchre in the Old City and the new Church of the Annunciation in Nazareth are to be discussed at the meeting of the Franciscan Order in Assisi, Italy, which begins this Saturday. Father Patrick Coyne, Superior of the Terra Sancta Monastery and senior representative of the Franciscan Order in Israel, said yesterday the meeting had been called to elect a new Franciscan General in Rome.

Father Coyne had just come back from the Old City after conducting around Jerusalem a group of eight provincial officials of the Franciscan Order in Israel, said yesterday visiting the Holy Land prior to attending the Assisi meeting. The group included the provincial of New York, Mgr. Celus Wheeler.

Pending a decision at Assisi, the Vatican has ordered suspension of the plans drawn up by the famous Italian architect Antonio Barluzzi.

The new church of the Annunciation, which is to be built above the Grotto of the original edifice, will be one of the largest churches in the Middle East and is to cost between \$100 and \$150.

Objection was expressed to raising the amounts of fine for violations of by-laws (Mr. Shofman, Herut), and against the retroactive nature of the Bill (Mr. Ariav, General Zionists, and Mr. Chasan, Hapoel Hamizrahi).

Suspended Sentence For Kicking Daughter

TEL AVIV, Monday. — A man who knocked his seven-year-old daughter's head against the wall and kicked her, on the forehead, was today sentenced to four months' suspended sentence and two years' probation by Magistrate M. Chernobelsky.

Benjamin Mirshai, 24, divorced his wife, Yaffa, six years ago, and their daughter, Razel, aged seven, was the care of Mirshai's father. Three months ago, Yaffa decided to visit her child but this caused also came to his father's house and asked her daughter to bring two bottles of water to his room.

The child demurred since her father's room was on the third floor, but she finally acceded to his request. Her mother, who had been up the stairs, saw from outside the room that the father was questioning the child about her. He began beating and kicking the girl.

When he struck her head against the wall, the mother called for help, and only then did the father release the child.

(Hans)

USOM Staff Back

LYDDA AIRPORT, Monday. — El Al aims to capture a major share in the air travel market in Europe by exploiting its superiority. It has by virtue of purchasing the new Britannia airline, Mr. Y. Gilnick, of El Al, told the Rotary Club here today.

The Britannia could make the London-New York hop in eight to nine hours instead of 18 hours by planes now in service. The company's aim will be to fly 50 passengers in 11 tons of cargo from London to New York in eight hours.

El Al has so far held 12 training courses for air and ground crews for the new aircraft. Training was organized locally since to train the crews in England proved too expensive, he added.

(Hans)

Joachim Eisenstaedt

formerly of Magdeburg who passed away in Bamberg at the age of 82. Margot Eisenstaedt, Ramatayim Hurin and Raphael, his children Bruno Dassauer and wife, Kibbutz Gil Yam Hein Dassauer and wife, Kibbutz Gil Yam Ferdinand Rusch and wife, Herzliya. Please extend your condolences.

Ramatayim, May 28, 1957.

Two Sections of Haifa Subway Diggers Meet Underground

BY YAACOV ARDON, Jerusalem Post Reporter
HAIFA, Monday. — With shouts of triumph, workers in the subway tunnel who have been blasting and digging their way downtown shook hands at 12 a.m. today with those advancing uphill from below after they broke through the final layer of rock separating them.

The event paralleled a similar feat in King Hezekiah's time, over 2,000 years ago, described in the famous Hezekiah inscription: "And on the breakthrough, the hammer knocked one side against the other, are against

the rock separating them.

Only three minor accidents have occurred during the hazardous operation.

Work will now start on the concrete lining of the upper and vaulted part of the completed tunnel section. The roof of the tunnel at the projected station in Rehov Ha-nevi'im is 12 metres below the street level. The thickness of the rock between tunnel and surface varies from six to 35 metres.

The French engineers are confident that they will complete the blasting of the entire length of the tunnel by next spring and that the first subway train will run in the autumn of 1958.

A brief function eliminated which the workers, under the direction of the French Society of D'Entreprise, Dunquerque, have cut 1,000 metres of tun-

Diamond Plant Losses Entire \$50,000 Stock

NATANYA, Monday. — Diamonds worth \$50,000 were stolen last night from a safe in the Diamonds of Bokhara co-operative factory.

The entire contents of the safe, three boxes containing over a thousand carats of cut and uncut diamonds, the entire stock of the company, was missing. Also stolen was IL700 in cash.

It is thought that the safe door and the door of the room in which it stood had been opened with a key and afterwards locked again.

The loss was discovered early this morning at 6:30 by the manager of the storekeeper, Mr. Shalom Meikori, on opening the safe to take out raw material for the day's work.

Following the warning of Mrs. Esther Raziel-Naor, M.K., in the general debate on vocational training emphasis on vocational training might lead

to a belittling of scholastic subjects, Mr. Arama replied that the introduction of technical subjects like the contrary improved the children's attitude towards them.

He revealed that next year, five classes of a "ninth" year to continue technical education.

Speaking of the pre-vocational training programme in elementary schools, launched two years ago, Mr. Arama said that the core fact of the children's enthusiasm for these studies was a great educational achievement. Under this scheme, children in the final two years of elementary school receive technical or agricultural training which enables them to move directly into the second year of vocational schools.

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Gov't to Enter Trade School Field

Jerusalem Post Reporter
The Government must provide for more vocational schools, which today can absorb only 7,000 students, said yesterday at a meeting of Education and Culture in Jerusalem, of his advisory committee.

Mr. Arama said the Government was not yet a factor in this field despite the widespread trend towards this type of education. Most technical schools are maintained by public organizations.

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Cafe Grades Abolished But Tariffs Required

A Ministry of Commerce order, setting the classification of cafes and restaurants and the obligation to provide a fixed price meal, was announced yesterday. The same order requires a price-list to be exhibited at the main entrance to restaurants.

The spokesman of the Ministry pointed out that the order was to enable prospective patrons to make before entering the restaurant what sort of meal they can obtain and how much it will cost. He warned that if action would be taken against proprietors who ignore this requirement,

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